

The Issue of Photography, Camera, Videos & Drawing

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Question:

Living in a time and period where cameras are virtually everywhere, what are the limitations for video and camera recording for Islamic and other educational programs etc?

In schools, certain activities require the children to draw animated pictures. Is this permissible?

For some occupations, digital photography of the human body is required, including of private organs. In the light of the Shariah, what solutions would you provide for these situations?

Answer:

Before answering the essential questions, we feel that we should present the opinions of the Islamic jurists (fuqaha) regarding verdicts of picture taking, hence, we say:

The verdict of picture taking requires some detail, which we summarize as follows:

Pictures will be of animate or inanimate objects, if it is of animate objects, it can be classified into four categories:

1. It is carved or sculptured in the form of a statue that has a shadow
2. It is drawn, spread out (on a flat surface), with no shadow
3. It is captured with an analog camera device
4. It is captured with the digital camera

The Verdict Relating To Pictures of Non Animate Objects

As for the pictures of non animate objects such as trees, stones etc, there is no objection in them, in general. It is permissible to take pictures of inanimate objects, acquire them, use them and also to keep them. Ibn Abbas (ra) said to a man who came asking about pictures, **"If you must (draw) pictures, make a tree or an object that has no soul in it"** (Agreed Upon by Bukhari & Muslim)

As For Pictures of Animate Objects, There is Detail in Its Verdict, of Which We Mention the Following:

ONE: The Ruling of a Sculptured Statue (physical bodily form) of Animate Objects:

Living creature pictures, such as that of the human being, animals, birds and insects; if they encompass the following descriptions, the prohibition of their statues are agreed upon among the Islamic jurists (fuqaha):

1. The image is in the form of a statue of a living creature.
2. It is complete with its limbs i.e. a visible limb is not cut off; such a limb that life without the limb would not remain.
3. It is made with material that has the ability of permanence, such as iron, copper or wood; meaning it should not be made with something that does not have the ability to last such as dough or baked pastry/ cake.
4. It is erected or placed in a location of honour and respect.
5. It is not so small that it is not apparent for the onlooker who is standing while the statue is on the ground.
6. It is not a toy belonging to girls or something similar (dolls of children).

For further details, please refer to:

- Al Fawakih Al Dawaani (pg. 236, v. 8) of Allamah Ahmed Ibn Ghunaim Al Nafraawee Al Maliki (may Allah's mercy be on him)
- Raddul Mukhtaar (pg. 668, v. 1) of Allamah Ibn Abideen Al Shamee Alhanafi (may Allah's mercy be on him)
- Kashaaful Qinaa (pg 190 v. 5) of Allamah Mansoor Al Bahuti Alhanbali (may Allah's mercy be upon him)
- Fathul Baari (pg 388 v. 10) of Allamah Ibn Hajr Al Asqalaani Al Shafie (may Allah's mercy be upon him)

TWO: The Ruling of a Picture That Is Drawn and Flat with No Shadow

The traditional and contemporary Islamic scholars (Ulama) have differed in the ruling of this category i.e. the drawn picture that is leveled (such as on paper) with no shadow. This difference stems from the existing difference in the reports of the 'Companions' (ra) and 'Successors' (tabioon; students of the companions) in this matter, and their related interpretation.

Some of the scholars have suggested that pictures of animate objects that do not have a shadow are not prohibited. As for those figures that do have a shadow, are impermissible with agreement by all scholars, such as statues of copper, stone and iron etc. as we have discussed above.

As for the those images/ pictures that do not have shadows such as a picture drawn on paper or printed on clothes or walls etc. are not regarded as disliked by this group of scholars. However, the large majority (jamhoor) of Hanafi, Shafie, and Hanbali schools have regarded this, as impermissible, in general, whether they have shadows or not. The Maliki school has differed regarding those pictures that do not have shadows, with three opinions:

1. Non permissibility in all cases whether there is a shadow or not, similar to the opinion of the majority (jamhoor – other 3 schools)
2. The drawn flat image that has no shadow, if considered a dishonour (to draw it), then it is disliked (makrooh) and if it is not considered a dishonour, then there is no dislike-ness (karaahah) in it, but in fact it is 'khilaaful awlaa' (not the best thing to do)

3. Permissibility without any restrictions, whether it may be considered a disgrace (to draw it) or not. This is what has been reported by many scholars of eminence such as Allamah Al Dardeer Al Maliki, Allamah Ubay Al Maliki, Allamah Abu Abdillah Al Mawaaq Al Maliki, Allamah Mohammad Al Aleesh Al Maliki and others (may Allah's mercy be upon all of them). Allamah Ibn Hamdaan of the Hanbali school has also agreed to this opinion.

They have substantiated the permissibility of this by what Ibn Abi Shaybah (ra) has narrated from Al Qasim Ibn Muhammad (ra) with an authentic chain; The wordings of which are narrated by Ibn Auwn (ra) who says, **"I entered upon Al Qasim while he was residing on the upper sections of Makkah in his home, I saw in his home, a curtained canopy in which there were images of beavers and she goats"** This is reported (in the books), even though he is the same individual who has narrated the hadith of 'Numruqah' from his paternal aunt, Aisha Al Siddiqah (may Allah be pleased with her).

Hafiz Ibn Al Hajar (ra) has pointed out in Fath Al Bari, after transmitting this story, "There is a possibility that he (Al Qasim Ibn Muhammad) took, in this matter, the generality of the statement of the Prophet Muhammad (pbuh) **"except a minute amount in the clothes"**, for indeed, it is more general than merely being hung or spread. It is as though he has placed the rejection of the Prophet (pbuh) to Aisha (ra), upon the hanging of the curtain that contained pictures, which was on the wall. They also substantiated the claim through the action of Zaid Ibn Khalid Al Juhani (ra) and Ubaidullah Al Khawlani (ra) and others from the pious predecessors. For further detail on this, please refer to:

- Al Sharh Al Kabir (pg 337 v. 2) of Allamah Dardeer Al Maliki (may Allah's mercy be upon him)
- Sharh Al Zurqani (pg 367 v.4) of Allamah Muhammad Ibn Abd Al Baaqi Al Zurqaani Al Maliki (may Allah's mercy be upon him)
- Al Mawsuah Al Fiqhiyyah Al Kuwaitiyyah (pg 4278 v. 1)

THREE: The Ruling of the Picture Captured by a Photography Camera

As for the photographic picture that is also termed "photograph picture", the contemporary Islamic scholars (ulama) have differed regarding its permissibility.

Those who declare its permissibility have validated it through several evidences:

From amongst them are those who have granted permissibility, based on it not being akin (or a likeness) to the ultimate power of Allah's creating quality, in this type of picture taking. One of the leaders, at the forefront of this group is Allamah Al Shaykh Muhammad Bukhait, Mufti of Egypt (may Allah's mercy be upon him). Its' evidence for this is as follows:

"When this has been established, we declare that the cause for the prohibition of picture making, as discussed previously, is that it is likening to Allah's matchless ability to create. This is because, the meaning of picture making is originating an image in the sense that the originator formulates an image of a living creature by his deed and action. And by doing such, one likens oneself to Allah's matchless ability to

create, thus he is punishable on the day of judgment, and it will be said to him ‘blow the spirit / soul of life into it’ and he will definitely be unable to blow the soul of life into it. It will also be said to them, ‘Bring alive what you have created’. Hence the matter was looked into regarding what some people in our era have done by taking photos of living creatures such as humans etc. by the means of the afore mentioned devices of the photography camera. The question then is, does the meaning of “tasweer” (image origination) exist in this or not? And is the described cause of prohibition found in it or not? (to the end). . . “When this is established and you have understood that taking camera photographic pictures is actually nothing but merely capturing the emerging trace attached to the creation of Almighty Allah in relevance to the physical body... You have understood that taking photos in this manner is not origination of the “soorah”(image of the creation). The definition of “Tasweer” literally and technically in the shariah is ‘to originate the image and create it after the fact that it did not exist’. Hence this method of capturing would not fall in the definition of “tasweer” in any sense whatsoever, nor would the meaning of ‘tasweer’ and likening oneself to Allah’s matchless ability to create be found...(to the end)” (Al Jawab Al Shaafi Fi Ibaahati Al Tasweer Al Photography – page 22)

And amongst them are those who have stated that the cause of prohibition for picture making is worship and honouring it (picture). It is clear that a photo picture cannot be worshipped. Shaykh Muhammad Rasheed Rada (ra) has also taken this route in Tafseer Al Manaar, stating ‘the prohibited picture figure is the one that is taken to worship or glorify’. The evidence to this is as follows:

“The prohibited picture is the one that is taken for veneration purposes, for indeed the venerated pictures are connected to the worship of idols / statues. And the cause (‘illah) revolves with the effect (ma’alool) in where it exists and does not. The people of this era do not take pictures for worship nor veneration. Nowadays, pictures are taken for magazines, journals of medicine, science, physics, history, and personal research”

And amongst them are those who have substantiated the permissibility of photographic picture taking due to it not being a ‘tasweer’ in actuality. In fact, according to this group, photos are from the class of ‘reflection’, similar to what appears on a mirror, water or on a shiny / glossy surface. A large group of scholars from the Arab world have opted this view, in particular, one of the scholars at the forefront of this opinion is Allamah Al Shaykh Ahmad Khateeb (ra) from the revered city of Macca, in the recent past issuing a fatwa of its general permissibility. Allamah Al Shaykh Muhammad Al Saayas (ra) has also agreed to this verdict as Shaykh Muhammad Al Saabuni (ra) has recorded in his book, Hukm Al Islam Fi Al Tasweer (pg 49) and in his book, Aayaatul Ahkaam (pg 415 v. 2). The text of which is as follows:

“It is most probable after this discussion, you wish to know the ruling of what is known as a photograph, thus we say: It is possible to say that its ruling is the ruling of ‘the minute amount’ in clothes. You are already aware of its exception through the evidence (of the hadith). You may say (to the one who disagrees) that this is not a ‘tasweer’ but rather it is the capturing of the reflection and the example of it is similar to the reflection that appears on the mirror, it would not be possible for you to say that the image that appears on the mirror

is ‘a picture’ and that someone made the picture. The image that is generated by the camera is similar to the image appearing on the mirror. The extent of the matter is that the mirror of the photo (photographic reflection) retains the reflection that came upon it, whereas the mirror does not do this. Thereafter he says: In the Shariah there has always been the flexibility of permitting these pictures such as the exemption of ‘the minute amount’ in the clothes, hence, there would be no meaning for its prohibition, especially now that it has become apparent that people are beginning to be in fraught need for it.”

Shaykh Mohammed Ibn Ahmed Ali Waasil (ra) has recorded in “Ahkaam Al Tasweer” from some scholars as follows (pg 336);

“The device image, in which the photographic image is a complete resemblance with the image that appears on the mirror or upon water or on a shiny surface. It would not be appropriate for one to say the image that appears on the mirror etc. is haram (prohibited) due to it being a picture. This is the same situation with the photographic picture, except that the image reflection is retained which has fallen upon it, whereas this is not the case with the mirror. And this, in reality is not a ‘picture’ but rather the appearance, making the existing image reflection permanent and a method of retaining it without disappearance.”

But there are many scholars from the Arab world such as Allamah Al Shaykh Albani, Shaykh Mustafa Al Hamami, Shaykh Al Sabuni, Shaykh Muhammed ibn Ahmad Al Waasil and others, and in-fact the large majority of Ulama in Pakistan, India & Bangladesh have issued fatwas of non permissibility (prohibition) stating that photos taken by a camera are no different than pictures drawn physically by hands. This is the same verdict that we issue here at Jamiah Darul Uloom Karachi, Pakistan.

The great luminary scholar, the former grand Mufti of Pakistan, honorable teacher, Mufti Mohammed Shafi (May Allah’s mercy be upon him) has written a unique paper in Urdu by the name of “Tasweer Ke Sharee Ahkaam” meaning “The Religious Verdicts of Picture Taking’. He has clarified in this compilation; religious evidences, that the picture, whether it be by the means of a photography camera or by hand would be regarded as a picture in accordance to the Islamic legislation (Shariah). The difference in the means of acquiring the picture or its devices would not demand a variation in the ruling. The only thing that would be considered is the fact that it is a picture as it is the essence of the matter, even though the medium varies.

The Ruling of Animate Images Captured by the Digital Cameras

For a long time, the discussion has continued among contemporary Islamic scholars (Ulama) regarding the images that are retained by the digital system or digital cameras in the computer memory, floppy discs, computer disks, hard drive, video and cassette ribbon and that which appears on the screens of these mentioned devices through the digital technology. Would it be the prohibited picture or not? The reason for this discussion is that this is an ‘ijtihaadi’ matter. This did not exist nor was it known during the period of the Messenger of Allah (peace and blessings upon him) and the era of the companions. This was also the case during the periods of the tabioon (pious predecessors) and the past Islamic jurists (may Allah’s mercy be upon all of them). This only came into existence and discovery later. This is why, there is no clear verdict on the matter in the Holy Quran and the noble

prophetic hadith and the speech of the previous jurists in this specific type that is clear cut. For indeed there was no such existence during their time. This has only been debated amongst the contemporary scholars and they have differed in its ruling.

There are those who have included it (digital images) under the prohibited images, linking it to the generality of the terming of it as 'picture' regarding which the authentic evidences have labeled as impermissible.

There are those who have excluded it out from the issue of falling under the ruling of prohibited imagery (tasweer) looking at its reality. For indeed, the digital image is a combination of tiny electronic rays, that do not have a physical structure, and are in the form of many pixels that cannot be counted. The electric signals move from the digital device and the digital camera to the screen, walls or curtains. These pixels appear in a specific sequence, which bring into existence visible forms (images) on the screen. But these forms do not remain on the screen or walls etc.

There are those scholars who have a disagreement with the two verdicts and have adopted a middle position between the two groups.

The more acceptable view according to us is that it is permissible, since what appears on the screens from the imagery and scenes, under the digital system is not a 'picture' in actuality, nor a reflection, shadow or trace.

As for this digital image which appears on the screen, not being a shadow is evident because the shadow is a subservient to its object. And this image (on the screen) is unlike this.

As for it not being a picture; because a picture in its true meaning, comes into existence when it is carved, drawn, or formed onto something with the quality of permanence and perpetual continuity in its existence. These digital images that appear and are visible on screens etc. have no permanence nor perpetual continuity in their existence on something. Rather the image comprises of divisions of electronic rays that continue to be transmitted from the camera to the screen and appear on it in such a manner that there is no permanence in terms of its appearance and its disappearance, meaning that it either appears or disappears on an immediate basis without any form of permanence on it, with exemplary speed. The extent of this, is that one digital image comprising of 19 390 000 pixels originates 60 frames which appear and disappear in one second on a screen of an average resolution computer. Then one can recall the image again and again without any break. With this method, these rays appear on the screens and disappear immediately and are followed subsequently by others electronic rays and disappear like this very quickly. It therefore is apparent from this description that the images and scenes that appear on the screens do not have permanence nor perpetual continuity, rather they appear and disappear in a second 60 times. This is the reason the digital image cannot be regarded as a 'picture' 'surah' in actuality.

As for the digital image that appears on the screens, not being a real reflection; This is because the reflection is a subordinate of the actual object. As long as the actual object or person remains in front of a shiny physical object the reflection can be seen. When the

object or person moves away from in front of the shiny physical object or there comes in between them a veil, the reflection is now no longer present also.

This is unlike the images captured by the digital camera that are visible on the screen, they are not subordinates to their actual objects. This is due to the reason that it is possible for these images to be seen without the existence of the actual objects also. Thus, it is established from this that these appearances and images are not reflections in actuality, unless these appearances are accompanied with the reflection in this sense that both of them comprise of electronic rays. Keeping this in mind, we give preference to the verdict that these appearances resemble the reflections in the aspect that they are similar to the resemblance of the actual prohibited pictures.

Then, if these digital scenes and appearances are stored in a video cassette, computer memory, computer disk and so on, these images are not engraved, carved on the CDs or video cassettes etc. It is only the information of the images that are stored in the form of electronic codes. There is no concept of a picture in actuality nor symbolically.

Looking at the above mentioned difference between the actual picture and the figure that appears on the screen, the experts of this field have specified the difference in terminology also; where they have termed the figure captured by the photography camera as “PICTURE” and the visible figure on a screen as an “IMAGE”.

The Use of the Above Mentioned Devices, Their Manufacturing and Keeping Them in Homes

It should be understood that the above mentioned details were specifically regarding whether the visible figures appearing on screens are considered a picture or not. As for using these digital devices (and also manufacturing and repairing them) such as the computer, video, and the telephone devices that transmit the audio and video of the person speaking, the equipment used for security such as the closed circuit camera and the television, is in accordance to the following details:

- Manufacturing and repairing these devices is permissible since they are mere devices. There is a possibility of utilizing them in either permissible or prohibited affairs. Hence the verdict will revolve with the user. If he is to use the device for a permissible matter, then the use of it will be permissible and if it is used in prohibited affairs, then the use of it will be considered prohibited.
- The ruling of keeping these devices (excluding the television) in the homes and their usage for various purposes, is permissible with the condition that one refrains from religiously impermissible and prohibited matters such as nudity, pornography, exposing the nakedness of women and mockery, because video, computer and other such equipment are mere devices established, in essence, for information. Yes this is definite that when there is no reasonable objective connected to them, or there is no need for them, the most appropriate thing to do is, abstain from capturing figures of animate objects (live creatures) and also refrain from using such devices. By doing so, one also stays far from doubts and the differences in opinions.

It is not permissible to keep the television in the homes, looking at the contemporary circumstances. This is due to the reason that every broadcasting channel, as we all know, in this day and age, includes programs and episodes that are not void of religiously impermissible matters such as music, singing, nudity, exposure, mockery and other traits of transgression and sin. It is impossible for the user to refrain from the prohibitions in this widespread system. This is also because, many things that are broadcast in between a permissible program, contain prohibited matters, in commercials and advertisements etc. Yes, it is permissible to take benefit from these devices and utilize them in the homes and institutional offices for safety and security such as closed circuit camera. In the same manner, it is permissible (when one surely abstains from all vices) to show an Islamic channel or program of such a nature, the aim of which is related to shows relaying goodness, religious propagation to Almighty Allah's pure religion, dissemination of the knowledge of His book, the sunnah of the His Prophet (pbuh), the biographies of the pious predecessors, the adherences of the rightly guided radiant Muslim caliphs, their legacies of justice, excellent organization, the beauty of order, their brilliant cooperation with the people of other religions and strangers, their goodness and righteousness to all humanity, refutation against deviant beliefs, thoughts and methodologies originating from the excessive love of materialism and tendencies of discord amongst nations, guiding one and all to purity, abstinence and lofty Islamic values.

It is necessary that this all be done by means and methods captivating, enjoyable to viewers, in the best possible way. It is also important to include programs that consist of permissible mediums of entertainment through which children, youth, women and others from various social cultural environments may be attracted to learn.

Answer to the Questions Posed

In the light of what we have discussed in detail, it becomes simple for us to summarize the answers for the questions posed to us, and that is as follows:

First Question: Are there Islamic limits for picture taking?

Answer: the religious limits in the ruling of making and using pictures has been mentioned in detail previously, in what has been discussed at length, the summary of which is that pictures are categorized as follows:

- a) The category of pictures that are permissible, with the consensus of the entire Muslim nation; that being pictures of inanimate objects.
- b) The category of pictures that are prohibited (haram) with the consensus of the entire Muslim nation; that being the picture making in the form of a statue, as explained in detail in the above discussion.
- c) The category where there is difference of opinion amongst the Ulama (Islamic scholars) which is of two types:
 - a. Drawing animate pictures with the hand is prohibited by the majority
 - b. Picture taking with a device of photography: The permissibility of this is differed amongst the contemporary scholars. Some have stated they are pictures that fall under the general prohibition while others suggest that these images are not 'pictures' but rather the capturing of a shadow (trace), hence this would not fall in the religious (*sharee*) prohibition. The stronger opinion

according to us, in this category, is prohibition in general circumstances and permissibility at the occasions of necessity such as;

- i. Picture for identity cards to recognize a persons appearance
- ii. Pictures for passports
- iii. Pictures for obtaining visas
- iv. Pictures for driving license of vehicles and driving
- v. Pictures for the necessity of identifying criminals and their arrests
- vi. Pictures for the necessity of identifying students in schools, colleges and universities
- vii. Pictures for employee ID cards to set apart company workers and outside visitors.
- viii. And in other such necessities, it would be permissible
- ix. Similarly, it would not be prohibited to use pictures (of animate objects) if they are so small that the detailed body limbs are not clear for the onlooker who is in a standing position, while these pictures are on the floor or spread on the ground without being revered.

As for the scenes and animate figures by digital camera, they are not considered pictures in actuality, hence it would not be prohibited to capture pictures with digital devices, nor would it be prohibited to use the image (on screens or walls etc) prior to printing upon paper and other such material, provided the images are free from religious vice such as nudity and mockery etc.

Second Question: Are Students Permitted to Draw in Schools?

Answer : It is permitted in general to learn and teach through drawing of inanimate objects. As for drawing animate objects, we have mentioned the details in the above detailed discussion. The permissibility and impermissibility will be based on the previous detailed discussion. The summary is that the drawn picture by hand is prohibited according to majority of jurists with the difference of opinion of some Maliki scholars. It would not be permitted to draw animate objects nor use them except for a pressing need.

Third Question: Is it possible to take pictures of the entire body by camera for some professions that require this?

Answer: The detailed discussion has already taken place; that the pictures of animate objects with the photography camera is not permissible except in the situation where there is a pressing need, as we have described in the answer to the first question also.

Similarly, it is permissible to take photos of various limbs on their own and print them on paper also, except the picture of the head and face because the picture of a part on its own such as the heart, liver, hand, foot etc. from the limbs of the internal or external body (other than the face) is not from the prohibited pictures, due to the reason that they are not considered pictures of animate objects according to the shariah (religious rulings). Based on this criteria, the drawing or picture taking of the heart, hand, foot or skull, each on their own, will be permissible.

As for the drawing and taking pictures of the face or head with the face, and printing them on paper, the ruling is just as the ruling of taking the picture of the entire body i.e. it is not

permissible. It is permissible to take a picture of parts of the head or face piece by piece on their own, like the picture taking of only the nose or only the eye or only the skull or only the beard.

As for the use of digital camera and the use of the visible forms on screens of digital devices, we have delved in an in depth discussion regarding it above. The summary of which is that the figures and appearances that appear on a screen, there is a difference of opinion in its ruling amongst the contemporary Islamic scholars. The predominant opinion according to us is its permissibility provided one surely abstains from all evils. The reason for this is; that which appears on the screen from the figures and images are under the digital system and are not pictures in actuality nor a reflection or shadow. But there is some resemblance to the reflection because it is similar to the prohibited actual pictures.

NOTES: From the matters that are necessary to be aware of, is that the Muslim refrains from printing pictures on paper and other materials even though the images may be from a digital camera. This is because the figures that are captured by digital camera are no different than the picture of the photography camera after being printed on paper and other material. With this detail in mind, if the pictures are printed (or published) in books of knowledge, science and medicine, the responsibility lies with those who have published them. Those who are teaching or learning these books will not be sinful, for indeed the purpose here, is the teaching of the book and its lessons. Viewing these pictures and their usage will follow the same criteria.

And Allah Knows Best, For Indeed His Knowledge is Perfect.

